

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff

CRIMINAL NO.: 17-093 (PG/LG)

vs.

GREGORIO ANGULO-ROSA,

Defendant

SENTENCING MEMORANDUM

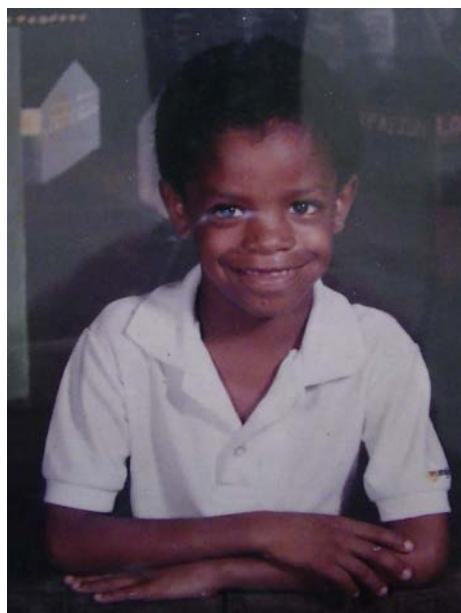


Gregorio with his mother and daughter.

We learn more from our failure than we do from our success. And, the knowledge acquired through life's tough experiences is not free, there is "tuition" to be paid. The currency in Gregorio's case is disappointment, despair and loss.

On February 10, 2017, Gregorio made a terrible mistake and ultimately ended up charged in a One-Count Indictment. On May 24, 2017, Gregorio pled guilty, pursuant to a straight plea to the sole count of the Indictment. Gregorio respectfully submits this Sentencing Memorandum to assist the Court in making an individualized assessment of him based on the factors set forth in 18 U.S.C. § 3553(a) and for respectfully persuading this Court that a sentence of imprisonment of twenty-seven (27) months is sufficient and not greater than necessary.

Gregorio's story is similar to many young defendants who unfortunately enter the criminal justice system. He was born premature and his parents were told he would not survive. Growing up he had some difficulties as a result of his premature birth. When he was a teenager his parents were told not to expect much of him because his brain had not fully developed. Gregorio grew up in a poor household in Caguas, Puerto Rico but one that was full of love. His parents made sure he had a normal childhood, free of violence and traumatic events, and provided all his needs. They did not treat him as disabled, they made every effort to help him overcome his shortcomings and have a normal childhood.



Gregorio's mom describes his as an excellent son and father. She asserts that he would always cook for her and take care of all household chores because after Gregorio's father passed away she was unable to do them herself due to her health. Gregorio has always been a great help to his mom and she deeply feels his absence. Alysha, his daughter has also been hurt by his absence, he would always be with her and helping her practice her basketball skills.

Gregorio has battled with substance abuse for the past decade or so. This, cannot be ignored. His addiction has led him to commit several mistakes in the past which has landed him in jail for some time. It is unquestionable that drug addiction is a disease. The National Institute on Drug Abuse (NIDA) defines addiction as "a chronic, often relapsing brain disease that causes compulsive drug seeking and use, despite harmful consequences to the addicted individual and to those around him."¹ Quitting is difficult and does not happen overnight. The NIDA has stated, that "it is often mistakenly assumed that drug abusers lack moral principles or willpower and that they could stop using drugs simply by choosing to change their behavior. In reality, drug addiction is a complex disease, and quitting takes more than good intentions or a strong will. In fact, because drugs change the brain in ways that foster compulsive drug abuse, quitting is difficult, even for those who are ready to do so."²

Gregorio has the potential of rehabilitating himself. He has the willpower to do so, but most importantly, he now has a bigger reason to kick his habit and change his life – his family. Gregorio's mother is extremely sick and he is terrified something might happen

¹ Available at <http://www.drugabuse.gov/publications/drugfacts/understanding-drug-abuse-addiction>.

² Id.

to her while he is incarcerated. Gregorio is also a single father to his only child, a daughter called Alysha. Gregorio has raised her practically on his own for the last eight (8) years, with just the help of his own mother after her mom decided she did not want the responsibilities of caring for a child. As a testament to the type of father Gregorio is his daughter was recently granted a scholarship to a private school in Gurabo.



Gregorio with his daughter Alysha

Gregorio also has the support of his longtime girlfriend Jaileen Bruno. Jaileen has 3 children from a previous relationship that Gregorio has raised as his own. When Gregorio and Jaileen first got together her youngest son was only 6 months old. Gregorio has raised those children as his own. They call him dad and he is always present at all chapters of their lives. He goes to all doctor's appointments, all school functions and all extracurricular activities. He was the primary care giver for all four children while Jaileen finished her nail technician certificate. All of this while he also helped his mother in all of her daily chores.

The Court should note the effect of parental incarceration on children. It has been argued that, in addition to the parental absence, the harm to children is likely to include several other critical domains of adjustment—school success, occupational attainment, and family formation, to name a few—because childhood mental health and behavioral problems tend to accumulate and spread over time. Thus, a lengthy sentence for Gregorio will not only affect him, but will impact his children in a myriad of negative ways.



In addition to being unduly harsh, lengthy prison sentences have little effect on reducing the crime rate. Former Attorney General Eric Holder noted that the still-growing rates of incarceration are having little effect on crime rates.

While prison building and prison spending continue to increase, public safety is not improving. Since 2003, spending on incarceration has continued to rise, but crime rates have flattened. Indeed, crime rates appear to have reached a plateau, and no longer respond to increases in incarceration.

See Remarks as prepared for delivery by A.G. Eric Holder at the Vera Institute of Justices' Third Annual Justice Address.³

Recent studies have also shown that lengthy sentences are insignificant in reducing the crime rate and that there is no connection between sentence length and deterrence. The Brennan Center for Justice, for example, released a report in February of 2015, in which it concluded that "increased incarceration has had no effect on the drop in violent crime in the past 24 years."⁴ In fact, "increased incarceration accounted for approximately 6 percent of the reduction in property crime in the 1990s (this could vary statistically from 0 to 12 percent), and accounted for *less than 1 percent* of the decline in property crime this century."⁵

The states and Congress are taken notice of this outdated sentencing regime and are making strides to change it. In 2014, thirty (30) states and the District of Columbia authorized a range of changes to the law and policies that address the nation's scale of

³ Available at <http://www.vera.org/pubs/remarks-prepared-attorney-general-eric-h-holder-jr-vera-institute-justices-third-annual-justice> (last visited March 3, 2014).

⁴ Dr. Oliver Roeder, Lauren Brooke-Eisen and Julia Bowling. Brennan Center for Justice. *What Caused the Crime Decline?* (2015) at Page 15. available at <https://www.brennancenter.org/publication/what-caused-crime-decline>

⁵ Id.

incarceration and would expand sentencing alternatives such as probation.⁶ In 2010, Congress approved the Fair Sentencing Act, which reduced sentences for crack related cases and in 2013, the Smarter Sentencing Act was introduced in Congress with bi-partisan support. This law, if passed, would scale back federal mandatory minimum sentences. Furthermore, in April of 2014 the US Sentencing Commission approved a reduction in the base offense level in certain drug offenses that will impact roughly 70% of drug offenses. Judge Patti B. Saris, chair of the Commission stated, "This modest reduction in drug penalties is an important step toward reducing the problem of prison overcrowding at the federal level in a proportionate and fair manner."⁷

Gregorio realizes that there is no justification for his actions that led to his arrest in the instant case. He knows that the Court has probably heard every excuse before and that he had other options he could have pursued. However, Gregorio wants the Court to know that he accepts full responsibility and is ashamed and repentant for what he did. Gregorio now comes before the Court asking for leniency and for a just sentence.

There is no doubt that because of his actions, Gregorio has to sit in a jail cell hoping that he can make up for the lost time that he will never get back. He has battled with substance abuse and is now suffering the consequences of his unsound decisions. And, sadly, he will miss out on precious time with his family. But all is not lost. The Court is in a great position to give him the appropriate sentence he deserves as well as the tools he needs for rehabilitation. For the reasons stated in this memorandum, we respectfully

⁶ Nicole Porter. The Sentencing Project. *The State of Sentencing 2014: Developments in Policy and Practice*. (February 2015). Available at http://sentencingproject.org/doc/publications/sen_State_of_Sentencing_2014.pdf

⁷ Evan Perez. *US moves towards shorter sentences for drug crimes* (April 10, 2014). Available at <http://www.cnn.com/2014/04/10/us/sentencing-commission/index.html>

request a sentence of **27 months**. This sentence would adequately serve the purposes of sentencing, and is sufficient, but not greater than necessary.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 24th of October, 2017.

I HEREBY CERTIFY that on this date I electronically filed the foregoing with the clerk of the court using the CM/ECF system, which will send notification of such filing to the parties of record.

**ERIC ALEXANDER VOS
FEDERAL PUBLIC DEFENDER
DISTRICT OF PUERTO RICO**

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